

IN THE CIRCUIT COURT OF COVINGTON COUNTY ALABAMA

LARRYIE EARL JONES,
 DEFENDANT,
 V.
 STATE OF ALABAMA,
 PLAINTIFF.

ORDER
 A hearing on the matters contained in this document is set for 11/08/05 at 9:00 A.M.
 Case No: CC-2003-187 (417-41)
 CIRCUIT JUDGE

"RULE 14."
 MOTION FOR ARRAIGNMENT AND TO WITHDRAW
 A PLEA OF GUILTY

COMES NOW THE DEFENDANT LARRYIE EARL JONES, PRO SE, MOVES THE COURT FOR ARRAIGNMENT AND TO WITHDRAW A PLEA OF GUILTY AND AS THEREFORE STATES THE FOLLOWING GROUNDS:

1. ON OR ABOUT 9-27-05, THE TRIAL JUDGE FAILS TO STRICTLY COMPLY WITH THE PROCEDURAL REQUIREMENTS FOR THE ENTRY OF DEFENDANT GUILTY PLEA, THE TRIAL JUDGE FAILS TO PROPERLY ADVISE THE DEFENDANT OF THE MINIMUM AND MAXIMUM SENTENCE THE DEFENDANT COULD RECEIVE, DEFENDANT SEEK TO WITHDRAW THE PLEA OF GUILTY AND APPEAL TO A TRIAL COURT'S RUIN ON THE MOTION.

2. THE DEFENDANT HAS BEEN INCARCERATED AT THE COVINGTON COUNTY JAIL WAITING TO BE TRIAL SINCE JULY 14, 2004, THE TRIAL JUDGE DENIED THE DEFENDANT JAIL CREDIT.

3. Ala. Code 1975, 15-18-5, Provides THAT UPON CONVIC-
TION AND IMPRISONMENT FOR ANY FELONY OR MISDEMEA-
NOR, THE SENTENCING COURT SHALL ORDER THAT THE CON-
VICTED PERSON BE CREDITED WITH ALL OF HIS ACTUAL
TIME SPENT INCARCERATED PENDING TRIAL FOR SUCH
OFFENSE, TRIAL JUDGE FAIL TO COMPLIANCE WITH
THIS RULE, THE DEFENDANT SEEK TO WITHDRAW THE
PLEA OF GUILTY AND GIVE THE TRIAL COURT AN OPPOR-
TUNITY TO RULE ON ANY ALLEGED ERROR AND THEREBY
PRESERVE ERROR IN THE RECORD FOR APPEAL, OR THE
DEFENDANT WILL RAISE THE QUESTION OF NONCOMPLI-
ANCE IN A TIMELY FILED POSTCONVICTION PROCEEDING.

4. THE TRIAL JUDGE FAIL TO INFORMED THE DEFENDANT
OF HIS RIGHT TO APPEAL AS PROVIDED BY RULE 26-9
(b) (4).

5. THE DEFENDANT
THE DEFENDANT WERE MISLED OF HIS SENTENCE, HE DID NOT KNOW
HE WAS PLEADING TO A 15 YEARS SENTENCE, OR A
FELONY HIS COUNSEL DID NOT INFORMED HIM
OF THE ADDITIONAL CONSEQUENCES OF HIS GUILTY
PLEA HE DID NOT KNOW HE WAS BEING CHARGE
WITH THREE COUNTS OF CONTROLLED SUBSTANCE
THE DEFENDANT WAS NOT AWARE UNTIL PRONOUNCE-
MENT OF JUDGMENT AND SENTENCE. DEFENDANT
WILL PROVE COLLATERAL PROCEEDING. BECAUSE
SERVED OVER A YEAR, DEFENDANT WERE SA
TO 15 YEAR WITH A SPLIT ONE YEAR.

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EXHIBIT

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6. THE PLEA WAS NOT VOLUNTARY, BECAUSE THE RESULT OF FORCE, AND THREATS, AND PROMISE WAS MADE TO THE DEFENDANT IF HE PLEA GUILTY. RULE 14.4(A)-(2).

LE 14.4.2(E) 7. THE COURT SHALL ALLOW WITHDRAWAL OF A PLEA OF GUILTY WHEN NECESSARY TO CORRECT A MANIFEST INJUSTICE.

WHEREFORE, DEFENDANT, PRAYS THAT THE COURT WILL GRANT THE MOTION AND AS A MATTER OF RIGHT BY LAW, AND ORDER AN HEARING TO BE HELD AT THE EARLIEST POSSIBLE TIME, OR AN ORDER THAT AN ANSWER TO THE MOTION BE FILED BY THE COURT.

RESPECTFULLY SUBMITTED THIS THE Monday OF OCT, 2005

FILED IN OFFICE

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Sayre Earl Jones

SIGNATURE OF DEFENDANT

I DECLARE UNDER PENALTY OF PERJURY THAT THE ABOVE MOTION IS TRUE AND CORRECT.

10-4-05

DATE

Sayre Earl Jones

SIGNATURE OF DEFENDANT

I CERTIFY THAT I HAVE THIS DAY SERVED COPY OF THIS MOTION ON THE STATE DA/ AND ALL OTHER TO THE ACTION IN THE TRIAL COURT.

DATE: 10-4-05